

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

IN RE:

KLINE, BERTRAM and JOANNE,

DEBTORS

**Chapter 13
Case No. 15-13929**

AFFIDAVIT OF TIMOTHY M. WILLIAMS

Timothy M. Williams, upon his oath, and under the pains and penalties of perjury deposes and says as follows:

1. I am employed by Santander Bank, N.A. ("Santander") as a workout officer, and I supervise a number of other workout officers including Barbara Burkes, the officer who is responsible for the loan account between Santander and B.K. Enterprises, Inc. (the "Corporation").
2. I have personal knowledge of the facts set forth herein, except those facts stated upon information and belief, as to which I have been informed and believe them to be true.
3. According to records maintained by Santander, on or about August 4, 2004, the Corporation executed and delivered to Santander a certain Promissory/Term Loan/Line of Credit Note in the original principal amount of \$40,000.00 (the "Note"), a true and accurate copy of which is annexed to Santander's Opposition to Emergency Motion for Contempt and Immediate Return of Funds of the Bankruptcy State (sic) (the "Opposition") as Exhibit "C."

4. According to the records of advances and repayments maintained by Santander in the ordinary course of business, since before December 26, 2013, the line of credit provided for under the Note has been fully advanced, and no principal payments have been made.

5. According to the records maintained by Santander in the ordinary course of its business, the Corporation opened a demand deposit account with Santander (the "Corporate Account"), under the Corporation's employer identification number. The Corporation is the sole owner of the Corporate Account.

6. According to the records maintained by Santander in the ordinary course of its business and as permitted under the Note, monthly interest payments were made on the Note by debiting the Corporate Account when each interest payment was due.

7. I have been informed and believe that on or about March 2, 2016, Barbara Burkes received an email from Bertram Kline's bankruptcy lawyers, a true and accurate copy of which is attached to the Opposition as Exhibit "D."

8. On March 2, 2016, on consideration of the email from Bertram Kline's counsel, Santander decided to set off the funds in the Corporate Account against the Corporation's indebtedness to Santander under the Note, and forwarded a letter to the Corporation notifying the Corporation that it had done so.

Signed under the pains and penalties of perjury on March 8, 2016.



Timothy M. Williams

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that on the date appearing below, a copy of the foregoing was served electronically as provided in the Local Rules, and I caused copies of the foregoing pleading to be served upon the persons on the attached Service List (if any) by first class mail, postage pre-paid.

Dated: March 9, 2016

/s/ Bertin C. Emmons

SERVICE LIST

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